

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 95-111
REVISING ORDER NO. 87-118

FINAL SITE CLEANUP REQUIREMENTS FOR:

**BERRYMAN PRODUCTS, INC. AND
AC LABEL COMPANY**

for the property located at

**350 NORTH MONTGOMERY STREET
SAN JOSE
SANTA CLARA COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board), finds that:

1. **Site Location:** The site is located on 350 North Montgomery Street in San Jose, Santa Clara County, California. The property is located in an industrial area and is bounded to the west by North Montgomery Street and an auto repair shop, east by Autumn Street, south by an auto repair shop and parking lot to the south, and north by a vacant lot formerly used by an ice cream distributor.

The site is at about 75 feet above mean sea level. The natural topography of the site area is gently slopping towards the northeast. The natural drainage of the site area is into the Guadalupe River, which is about 500 feet northeast of the site flowing northwestward into San Francisco Bay.

2. **Site History:** Berryman Products, Inc. ("Berryman") leased the property located at 350 North Montgomery Street from 1967 to 1974 and owned the property from 1974 to 1984. At that time, Berryman operated a chemical packaging and distributing company. A portion of the property was leased to Mid-Valley Plumbing Company from 1967 or earlier until 1982. Berryman sold the property to AC Label Company in 1984. AC Label operated a label manufacturing company from 1984 to 1988 at the facility.

Berryman installed two underground solvent storage tanks in 1967-68. These tanks were used to store a carburetor cleaner and a parts dip cleaner. The carburetor

cleaner contained chemical mixtures such as acetone, toluene, methyl ethyl ketone, isopropanol, methanol, 2-butoxyethanol, and light aliphatic solvent naphtha. The parts dip cleaner contained monochlorotoluene, methylene chloride, xylene, cresylic acid, and tall oil fatty acid. The chemicals were pumped from the underground tanks to above ground storage tanks for packaging and distributing. In the late 1960s and 1970s, Berryman performed limited on-site blending of chemicals.

AC Label used non-photo reactive inks, glycoether, n-propyl acetate, tetrachloroethene (PCE), and ethanol blend in its manufacturing process. These chemicals were all stored and handled above ground. AC Label used an above ground PCE recycling machine to reuse most of its PCE.

Five other abandoned underground storage tanks have also been found on the property. Two of these tanks were used to store gasoline and possibly other chemicals and another nearby tank reportedly contained solvents. Neither Berryman nor AC Label claimed responsibilities of these tanks. These tanks were most likely installed and used by the previous owners of the property. Two other tanks were also discovered in July 1987 on the portion of the property formerly occupied by Mid-Valley Plumbing. These tanks appear to have been used to store used engine oil and clean machine oil/industrial hydraulic fluid.

Unauthorized chemical discharges occurred at the site in different instances and mechanisms. Some chemicals released when disconnecting hoses used to transfer product in early 1970s before a concrete apron was built to contain spilled materials. Berryman reported that volatile organic compounds (VOCs) were spilled onto the concrete apron when a 300 to 500 gallon above ground tank collapsed (date unknown). Chemical releases also occurred near Berryman's two underground solvent tanks. The latter releases could be from leakage of underground tanks, pipelines, or spillage or a combination of all.

3. **Named Dischargers:** Berryman Products, Inc. is named as discharger because of its chemical usage history during its occupancy and ownership of the property and based on soil and groundwater contamination patterns. AC Label is named as discharger because of its past chemical usage history during its operation and ownership of the property, based on soil and groundwater contamination patterns, and it is the current property owner.

If additional information is submitted indicating that other parties caused or permitted any waste to be discharged on the site where it entered or could have entered waters

of the state, the Board will consider adding that party's name to this order.

4. **Regulatory Status:** The Board has adopted the following orders for this site:

- Cleanup and Abatement Order No. 87-118 adopted August 25, 1987
- NPDES Permit Order No. 91-177 adopted December 11, 1991

5. **Site Hydrogeology:** Geologic materials beneath the site consist of varying amounts of fine sand, silt and clay which were deposited in channels and on flood plains by local streams that flowed into San Francisco Bay. The stratigraphy beneath the site consists of four main units: a vadose zone, a shallow water-bearing zone, about 17 feet thick aquitard composed of silty clay, and an intermediate water-bearing zone. The vadose zone was described as being composed of silty sand and silty clay and extends to about 37 feet below ground surface (bgs). The shallow water-bearing zone generally ranges from 37 to 57 feet bgs. The intermediate water-bearing zone was encountered between 73 and 81 feet bgs.

Groundwater elevation measurements have been conducted at the site from 1986 until now. From 1988 to late 1990, shallow groundwater levels decreased to about 45 feet bgs. A significant rise in shallow groundwater levels has been observed since December 1990. The depth to groundwater in July 1994 was about 16 feet bgs. The cause of the rise in groundwater levels is unknown but may be due to several factors, including reduced groundwater withdrawal by the San Jose Water Company since early 1989 and nearby groundwater remediation sites and shallow aquifer recharge from the Guadalupe River.

The groundwater flow direction in the shallow groundwater has been shifting from west-northwest in 1986-1987 to south-southeast direction in 1988. Since 1992, the groundwater flow direction in the shallow groundwater is northwest. Presently, the shallow and intermediate water-bearing zones beneath the site are not used as drinking water supply. However, there are seven deeper aquifer drinking water wells within one half mile of the site. These wells are screened between 336 feet and 850 feet bgs.

6. **Soil Remedial Investigation and Source Removal:** Over 50 soil borings have been drilled at the site. Soil samples measured up to 20,000 parts per million of total VOC concentrations. The primary VOCs were xylenes, 2-chlorotoluene, 4-chlorotoluene, toluene, methylene chloride, PCE, benzene, 1,1,1-TCA, and TCE and numerous

other volatile and semivolatile organic constituents including total petroleum hydrocarbons.

Berryman removed the gasoline pump which existed at the site and paved over the gasoline tanks. AC Label removed the three solvent and two gasoline tanks in 1986. The waste oil and the underground hydraulic fluid tanks were discovered and removed in 1987. AC Label removed the pipelines from solvent tanks to the building in 1988.

In 1988, AC Label/Berryman excavated contaminated soil from the former solvent tanks area, along and beneath the former solvent pipelines, and an area referred to as Area C. About 1,200 pounds mass of total VOCs was removed due to the excavation.

AC Label/Berryman conducted an additional soil remedial investigation at the site in September and October 1994. Soil samples collected from the northern portion of the former solvent pipelines measured total VOC concentrations up to 44 ppm, which is above the allowable cleanup levels.

7. **Groundwater Investigation:** Methylene chloride has been detected in the groundwater at concentrations up to 40,000 parts per billion (ppb), and other contaminants detected were xylenes, Freon 11, toluene, benzene, 1,1-DCA, TCA, PCE, TCE, and 1,2-DCA. Numerous other volatile and non-volatile organic compounds have also been detected at the site.

From 1986 through 1988, AC Label/Berryman conducted groundwater remedial investigation underneath the site. AC Label/Berryman installed nine shallow and one intermediate monitoring wells and two shallow extraction wells to extract dissolved contaminants at the site. Three off-site shallow and the intermediate monitoring wells will be decommissioned due to redevelopment activities at the property adjacent to the site. AC Label/Berryman may need to install off-site shallow monitoring wells if the on-site shallow monitoring wells indicate consistent elevated VOC concentrations. AC Label/Berryman does not need to reinstall an intermediate monitoring well because previous sampling data indicated that this zone is not affected.

AC Label/Berryman performed an additional groundwater remedial investigation at the site in September and October 1994. Analytical data indicated total volatile chlorinated hydrocarbon concentrations over 1,200 ppb. At this time, AC Label/Berryman did not analyze for volatile aromatic hydrocarbons.

8. **Interim Remedial Measures (IRMs)**

Soil Vapor Extraction System (SVES): The SVES has been in operation since January 1991. It consists of two vapor extraction wells designed to remediate the contaminated unsaturated soils underneath the former solvent and gasoline tanks area. The extracted vapor has been treated by passing through two 2,000-pound granular activated carbon canisters. The system was shut down from August to October 1993 to allow accumulation of VOC vapors. No increase in VOCs mass removal rate was observed upon restarting the system. The SVES had been effectively recovering VOCs from the vadose zone until shallow groundwater started to rise in 1992. Based on the recent soil investigation results, soil remediation is still needed at the site. AC Label/Berryman has proposed to install an additional vapor extraction well to address this issue.

Groundwater IRMs: AC Label/Berryman initiated IRMs for contaminated groundwater in December 1990. The IRM was implemented to reduce contaminant concentrations and to contain the plume. AC Label/Berryman installed two groundwater extraction wells followed by above ground treatment system. One extraction well is near the former gasoline tanks and another extraction well is located near the former solvent tanks area. The extraction system is connected to two 2,000-pound granular activated carbon canisters. The treated groundwater is discharged to a storm sewer tributary to Guadalupe River pursuant to NPDES Permit.

The system has reduced contaminant concentrations; however, further plume containment is needed, especially in the area between the former solvent and gasoline tanks. AC Label/Berryman has installed an additional extraction well to extract VOCs from this area and proposes to continue groundwater monitoring to measure performance of groundwater remediation.

9. **Feasibility Study:** AC Label/Berryman developed and evaluated a list of possible alternatives for remediating contaminated soil and groundwater underneath the site. The screening of technologies was based on their applicability to site characteristics, on the properties of the chemicals, and on reliability and performance of treatment technologies. Four technologies passed this screening step: soil vapor extraction and soil excavation with ex-situ treatment for soil and groundwater extraction and air sparging for groundwater contaminations. These remaining technologies, were then further evaluated on the basis of environmental and public health impacts and cost analysis. Final detailed analysis involved implementability, effectiveness, and total project costs. This evaluation followed the approach outlined in EPA's National

Contingency Plan (see 40 CFR Part 300).

10. **Cleanup Plan:** In compliance with its cleanup and abatement order (Order No. 87-118), AC Label/Berryman submitted two reports titled "Draft Final Remedial Action Report (FRAP) in April 1993, FRAP Supplement in December 1994, and an addendum to the December FRAP Supplement in April 1995.

The FRAP and its supplement/addendum and addendum identify two areas of concern that require remediation at the site: (a) the unsaturated soil underlying the former underground tanks and pipelines area and (b) the shallow groundwater beneath the site. The FRAP and its supplement/addendum recommend expansion of the existing SVE and groundwater extraction and treatment systems. In particular:

- (a) AC Label/Berryman will install a new soil vapor extraction wells to remove VOC vapors near the former pipelines area.
- (b) AC Label/Berryman has installed an additional groundwater extraction well to provide hydraulic control and further reduce contaminant concentrations in groundwater.
- (c) AC Label/Berryman will stop pumping from extraction well WA-9A, but will leave it in place for future use.
- (d) AC Label/Berryman will continue extracting and treating contaminants from unsaturated soil and groundwater until cleanup standards are achieved or modifications to the cleanup standards are made according to finding 13 of this Order.
- (e) The extracted and treated waste water will continue to be discharged based on NPDES permit limits, and volatile organic compounds extracted by SVES will continue to be treated using granular activated carbon to meet Bay Area Air Quality Management District permit limits.

11. **Risk Assessment:** AC Label/Berryman included a risk assessment in the proposed final remedial action plan and its supplement. The risk assessment determined the primary chemicals of interest and their toxicity and identified potential exposure pathways and routes. The assessment computes risks for carcinogenic and non-carcinogenic chemicals in the groundwater, and compares them to the EPA recommended risk range. The land-use of the site vicinity is for light

May 24, 1995

industrial/commercial; however, the assessment assumes a more conservative approach and presents the range of human health risks from hypothetical on-site residents (worst case) to on-site workers (likely case) scenarios and used drinking water standards (MCLs) to evaluate the post-cleanup risk.

- a. **Toxicity Classification for Chemicals of Interest:** Twenty compounds have been detected in the site groundwater above the laboratory detection limits at least one time. Two of the indicator chemicals, benzene and vinyl chloride are class "A" carcinogens (known human carcinogen). Chloroform, 1,2-DCA, 1,2-dichloropropane, carbon tetrachloride, methylene chloride, PCE and TCE are class "B2" carcinogens (with inadequate human evidence and sufficient evidence from animal experiments). 1,1-DCE is a class "C" carcinogen (possible human carcinogen, limited evidence of carcinogenicity in animals with inadequate human data). Chlorobenzene, cis- and trans-1,2-DCE, 1,2-DCB, ethylbenzene, 1,1,1-TCA, toluene, xylenes are non-carcinogens (Class "D"). Freon-11 and 1,1-DCA are unclassified.
- b. **Exposure Assessment:** Under current use of the site, there appear to be no complete exposure pathways. The shallow and intermediate groundwater underneath the site are not currently used, and the deeper groundwater is not affected.

Based on the conservative residential land-use scenario, the assessment identified two potential exposure pathways. The first hypothetical pathway is the use of groundwater underneath the site as a source of drinking water. Quantification of exposure from this pathway assumes ingestion as an exposure route. The second hypothetical pathway is exposure to vapor of volatile organic compounds by inhalation exposure route via household use of contaminated groundwater and vapor emitted from contaminated soil.

- c. **Post-Cleanup Risk:** Quantified public health total risk were determined using the estimated potential chemical intake from the hypothetical drinking water well and inhalation of vapor that were computed utilizing the MCLs as a final cleanup goal for all pollutants found at the site. This approach would protect the future beneficial uses of the groundwater underneath the site. For the carcinogenic chemicals, the cumulative excess cancer risk predicted for the likely case and worst case land use scenarios are about 9.6×10^{-6} and 1.6×10^{-4} , respectively. These predicted total risks include the inhalation and ingestion routes. These excess cancer risk levels lie within EPA's recommended risk

range (1×10^{-4} to 1×10^{-6}). The total hazard index (HI) for all the non-carcinogenic chemicals for the two land use scenarios were found to be about 0.65 and 1.5, respectively. EPA recommends that the total HI for a site not to exceed 1.0. However, the actual excess cancer risk and HI values will be substantially below the estimated values, which are derived using extremely conservative assumptions. The post-cleanup risk is acceptable.

Due to excessive risk that will be present at the site pending full remediation, institutional constraints are appropriate to limit on-site exposure to acceptable levels. Institutional constraints include a deed restriction that notifies future owners of subsurface contamination and prohibits the use of shallow groundwater beneath the site as a source of drinking water until cleanup standards are met.

12. Basis for Cleanup Standards

- a. **General:** State Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is reasonable if background levels of water quality cannot be restored. Cleanup levels less than background must be consistent with the maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses of such water, and not result in exceedance of applicable water quality objectives.

State Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304," applies to this discharge. This order and its requirements are consistent with the provisions of Resolution No. 92-49, as amended.

- b. **Beneficial Uses and Associated Water Quality Objectives:** The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on December 17, 1986, and the State Board approved it on May 21, 1987. The Board has amended the Basin Plan several times since then. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters.

Board Resolution No. 89-39, "Sources of Drinking Water," defines potential sources of drinking water to include all groundwater in the region, with limited exceptions for areas of high TDS, low yield, or naturally-high

contaminant levels. Groundwater underlying and adjacent to the site qualifies as a potential source of drinking water.

The Basin Plan designates the following potential beneficial uses of groundwater underlying and adjacent to the site:

- o Municipal and domestic water supply
- o Industrial process water supply
- o Industrial service water supply
- o Agricultural water supply

The following qualify as water quality objectives to protect these beneficial uses of groundwater:

Constituent	Objective (ug/l)	Source of Objective
Benzene	1	California primary MCL
Carbon Tetrachloride	0.5	California primary MCL
Chlorobenzene	30	California primary MCL
Chloroform	100	Cal/USEPA primary MCL
1,2-Dichlorobenzene	130	California Action Level
1,1-Dichloroethane	5	California primary MCL
1,2-Dichloroethane	0.5	California primary MCL
1,1-Dichloroethene	6	California primary MCL
Cis-1,2-Dichloroethene	6	California primary MCL
Trans-1,2-Dichloroethene	10	California primary MCL
1,2-Dichloropropane	5	Cal/USEPA primary MCL
Ethylbenzene	680	California primary MCL
Methylene Chloride	5	USEPA primary MCL
Tetrachloroethene	5	Cal/USEPA primary MCL
Trichloroethene	5	Cal/USEPA primary MCL
1,1,1-Trichloroethane	200	Cal/USEPA primary MCL
Trichlorofluoromethane	150	California primary MCL
Toluene	1,000	USEPA primary MCL
Vinyl Chloride	0.5	California primary MCL
Total Xylenes	1,750	California primary MCL

- c. **Basis for Groundwater Cleanup Standards:** The groundwater cleanup standards for the site are based on applicable water quality objectives and are

the more stringent of EPA and California primary maximum contaminant levels (MCLs). Cleanup to this level will result in acceptable residual risk to humans.

- d. **Basis for Soil Cleanup Standards:** The soil cleanup standards for the site are 1 mg/kg total VOCs. Cleanup to this level is intended to prevent leaching of contaminants to groundwater and will result in acceptable residual risk to humans.
13. **Future Changes to Cleanup Standards:** The goal of this remedial action is to restore the beneficial uses of groundwater underlying and adjacent to the site. Results from other sites suggest that full restoration of beneficial uses to groundwater as a result of active remediation at this site may not be possible. If full restoration of beneficial uses is not technologically nor economically achievable within a reasonable period of time, then the discharger may request modification to the cleanup standards or establishment of a non-attainment area, a limited groundwater pollution zone where water quality objectives are exceeded. Conversely, if new technical information indicates that cleanup standards can be surpassed, the Board may decide if further cleanup actions should be taken.
14. **Reuse or Disposal of Extracted Groundwater:** Board Resolution No. 88-160 allows discharges of extracted, treated groundwater from site cleanups to surface waters only if it has been demonstrated that neither reclamation nor discharge to sanitary sewer is technically and economically feasible. AC Label/Berryman has demonstrated that reuse or discharge to a POTW of treated groundwater from the site is infeasible.
15. **Basis for 13304 Order:** The discharger has caused or permitted waste to be discharged or deposited where it is or probably will be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance.
16. **Cost Recovery:** Pursuant to California Water Code Section 13304, the discharger is hereby notified that the Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this order.
17. **CEQA:** This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the

Resources Agency Guidelines.

18. **Notification:** The Board has notified the dischargers and all interested agencies and persons of its intent under California Water Code Section 13304 to prescribe site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.
19. **Public Hearing:** The Board, at a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the dischargers (or their agents, successors, or assigns) shall cleanup and abate the effects described in the above findings as follows:

A. PROHIBITIONS

1. The discharge of wastes or hazardous substances in a manner which will degrade water quality or adversely affect beneficial uses of waters of the State is prohibited.
2. Further significant migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.
3. Activities associated with the subsurface investigation and cleanup which will cause significant adverse migration of wastes or hazardous substances are prohibited.

B. CLEANUP PLAN AND CLEANUP STANDARDS

1. **Implement Cleanup Plan:** The dischargers shall implement the cleanup plan described in finding 10.
2. **Groundwater Cleanup Standards:** The following groundwater cleanup standards shall be met in all wells identified in the Self-Monitoring Program:

Constituent	Cleanup Standard (ug/l)	Basis
Benzene	1	California primary MCL
Carbon Tetrachloride	0.5	California primary MCL
Chlorobenzene	30	California primary MCL
Chloroform	100	Cal/USEPA primary MCL
1,2-Dichlorobenzene	130	California Action Level
1,1-Dichloroethane	5	California primary MCL
1,2-Dichloroethane	0.5	California primary MCL
1,1-Dichloroethene	6	California primary MCL
Cis-1,2-Dichloroethene	6	California primary MCL
Trans-1,2-Dichloroethene	10	California primary MCL
1,2-Dichloropropane	5	Cal/USEPA primary MCL
Ethylbenzene	680	California primary MCL
Methylene Chloride	5	USEPA primary MCL
Tetrachloroethene	5	Cal/USEPA primary MCL
Trichloroethene	5	Cal/USEPA primary MCL
1,1,1-Trichloroethane	200	Cal/USEPA primary MCL
Trichlorofluoromethane	150	California primary MCL
Toluene	1,000	USEPA primary MCL
Vinyl Chloride	0.5	California primary MCL
Total Xylenes	1,750	California primary MCL

3. **Soil Cleanup Standards:** Soil cleanup standards of 1 mg/kg for total VOCs shall be met in all on-site vadose-zone soils.

C. TASKS

1. **IMPLEMENTATION OF EXPANDED SOIL VAPOR EXTRACTION SYSTEM**

COMPLIANCE DATE: November 30, 1995

Submit a technical report acceptable to the Executive Officer documenting completion of necessary tasks as proposed in the April 4, 1995 addendum to the December 1994 FRAP Supplement. The report should document system start-up and should present initial results on system effectiveness (e.g. capture zone or area of influence). Proposals for further system expansion or modification may be included in annual reports (see Self-Monitoring Program).

2. **IMPLEMENTATION OF EXPANDED GROUNDWATER REMEDIATION SYSTEM**

COMPLIANCE DATE: November 30, 1995

Submit a technical report acceptable to the Executive Officer documenting implementation of expanded groundwater treatment system as proposed in the April 4, 1995 addendum to the December 1994 FRAP Supplement. The report should document system start-up and should present initial results on system effectiveness (e.g. capture zone). Proposals for further system expansion or modification may be included in annual reports (see Self-Monitoring Program).

3. **PROPOSED INSTITUTIONAL CONSTRAINTS**

COMPLIANCE DATE: November 30, 1995

Submit a technical report acceptable to the Executive Officer documenting procedures to be used by the dischargers to prevent or minimize human exposure to soil and groundwater contamination prior to meeting cleanup standards. Such procedures shall include a deed restriction (filed by AC Label, the owner) prohibiting the use of shallow groundwater as a source of drinking water.

4. IMPLEMENTATION OF INSTITUTIONAL CONSTRAINTS

COMPLIANCE DATE: 60 days after Executive Officer approval

Submit a technical report acceptable to the Executive Officer documenting that the proposed institutional constraints have been implemented.

5. FIVE-YEAR STATUS REPORT

COMPLIANCE DATE: May 30, 2000

Submit a technical report acceptable to the Executive Officer evaluating the effectiveness of the approved cleanup plans. The report should include:

- summary of effectiveness in controlling contaminant migration and protecting human health and the environment
- comparison of contaminant concentration trends with cleanup standards
- comparison of anticipated versus actual costs of cleanup activities
- performance data (e.g. groundwater volume extracted, chemical mass removed, mass removed per million gallons extracted)
- cost effectiveness data (e.g. cost per pound of contaminant removed)
- summary of additional investigations (including results) and significant modifications to remediation systems
- additional remedial actions proposed to meet cleanup standards (if applicable) including time schedule

If cleanup standards have not been met and are not projected to be met within a reasonable time, the report should assess the technical practicability of meeting cleanup standards and may propose an alternative cleanup strategy.

6. PROPOSED CURTAILMENT

COMPLIANCE DATE: 60 days prior to proposed curtailment

Submit a technical report acceptable to the Executive Officer containing a proposal to curtail remediation (SVES and/or groundwater extraction and treatment). Curtailment includes system closure (e.g. well abandonment), system suspension (e.g. cease extraction but wells retained), and significant system modification (e.g. major reduction in extraction rates, closure of individual soil and/or groundwater extraction wells within extraction network). The report should include the rationale for curtailment. Proposals for final closure should demonstrate that cleanup standards have been met, contaminant concentrations are stable, and contaminant migration potential is minimal.

7. IMPLEMENTATION OF CURTAILMENT

COMPLIANCE DATE: 60 days after approval

Submit a technical report acceptable to the Executive Officer documenting completion of the tasks identified in Task 6.

8. EVALUATION OF NEW HEALTH CRITERIA

COMPLIANCE DATE: 90 days after requested
by Executive Officer

Submit a technical report acceptable to the Executive Officer evaluating the effect on the approved cleanup plan of revising one or more cleanup standards in response to revision of drinking water standards, maximum contaminant levels, or other health-based criteria.

9. EVALUATION OF NEW TECHNICAL INFORMATION

COMPLIANCE DATE: 90 days after requested
by Executive Officer

Submit a technical report acceptable to the Executive Officer evaluating new technical information which bears on the approved cleanup plan and cleanup

standards for this site. In the case of a new cleanup technology, the report should evaluate the technology using the same criteria used in the feasibility study. Such technical reports shall not be requested unless the Executive Officer determines that the new information is reasonably likely to warrant a revision in the approved cleanup plan or cleanup standards.

10. **Delayed Compliance:** If the dischargers are delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the dischargers shall promptly notify the Executive Officer and the Board may consider revision to this Order.

D. PROVISIONS

1. **No Nuisance:** The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in California Water Code Section 13050(m).
2. **Good O&M:** The dischargers shall maintain in good working order and operate as efficiently as possible any facility or control system installed to achieve compliance with the requirements of this Order.
3. **Cost Recovery:** The dischargers shall be liable, pursuant to California Water Code Section 13304, to the Board for all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. If the site addressed by this Order is enrolled in a State Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the dischargers over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.
4. **Access to Site and Records:** In accordance with California Water Code Section 13267(c), the dischargers shall permit the Board or its authorized representative:
 - a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order.

May 24, 1995

- b. Access to copy any records required to be kept under the requirements of this Order.
 - c. Inspection of any monitoring or remediation facilities installed in response to this Order.
 - d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the dischargers.
5. **Self-Monitoring Program:** The dischargers shall comply with the Self-Monitoring Program as attached to this Order and as may be amended by the Executive Officer.
6. **Contractor Qualifications:** All hydrogeologic documents (plans, specifications, and reports) shall be signed by and stamped with the seal of a California registered geologist, a California certified engineering geologist, or a California registered civil engineer.
7. **Lab Qualifications:** All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g. temperature).
8. **Document Distribution:** Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the following agencies:
- a. City of San Jose
 - b. County of Santa Clara Department of Environmental Health
 - c. Santa Clara Valley Water District
9. **Reporting of Changed Owner or Operator:** The dischargers shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.
10. **Reporting of Hazardous Substance Release:** If any hazardous substance is

discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, the dischargers shall report such discharge to the Regional Board by calling (510) 286-1255 during regular office hours (Monday through Friday, 8:00 to 5:00).


A written report shall be filed with the Board within five working days. The report shall describe: the nature of the hazardous substance, estimated quantity involved, duration of incident, cause of release, estimated size of affected area, nature of effect, corrective actions taken or planned, schedule of corrective actions planned, and persons/agencies notified.

This reporting is in addition to reporting to the Office of Emergency Services required pursuant to the Health and Safety Code.

11. **Secondarily-Responsible Discharger:** Within 60 days after being notified by the Executive Officer that other named dischargers have failed to comply with this order, AC Label as property owner shall then be responsible for complying with this order.
12. **Rescission of Existing Order:** This Order rescinds Order No. 87-118.
13. **Periodic SCR Review:** The Board will review this Order periodically and may revise it when necessary.

May 24, 1995

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on May 24, 1995.



Steven R. Ritchie
Executive Officer

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY
SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO:
IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE
SECTIONS 13267 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR
INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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Attachments: Self-Monitoring Program
Site Map

May 24, 1995

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM FOR:

**BERRYMAN PRODUCTS, INC. AND
AC LABEL COMPANY**

for the property located at

**350 NORTH MONTGOMERY STREET
SAN JOSE
SANTA CLARA COUNTY**

1. **Authority and Purpose:** The Board requests the technical reports required in this Self-Monitoring Program pursuant to Water Code Sections 13267 and 13304. This Self-Monitoring Program is intended to document compliance with Board Order No. 95-111.
2. **Monitoring:** The dischargers shall measure groundwater elevations quarterly in all monitoring wells, and shall collect and analyze representative samples of groundwater according to the following table:

Well #	Sampling Frequency	Analyses	Well #	Sampling Frequency	Analyses
EW-1	Quarterly	8010/8020	AEC-3A	Annually	8010/8020/*
WA-8A	"	"	WA-7A	"	"
AEC-2A	"	"	WA-10A	"	8010/8020
AEC-1A	"	8010/8020/*	WCC-2A	"	"
<i>*Note: Total petroleum hydrocarbons as gasoline should be analyzed using modified EPA Method 5030/8015.</i>					

The dischargers shall sample any new monitoring or extraction wells quarterly and

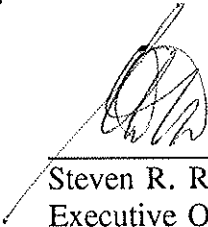
analyze groundwater samples for the same constituents as shown in the above table. The dischargers may propose changes in the above table; any proposed changes are subject to Executive Officer approval.

3. **Quarterly Monitoring Reports:** The dischargers shall submit quarterly monitoring reports to the Board no later than 30 days following the end of the quarter (e.g. first quarter report due April 30). The first quarterly monitoring report shall be due on July 31, 1995. The reports shall include:
 - a. **Transmittal Letter:** The transmittal letter shall discuss any violations during the reporting period and actions taken or planned to correct the problem. The letter shall be signed by the dischargers' principal executive officers or their duly authorized representative, and shall include a statement by the officials, under penalty of perjury, that the report is true and correct to the best of the officials' knowledge.
 - b. **Groundwater Elevations:** Groundwater elevation data shall be presented in tabular form, and a groundwater elevation map should be prepared for each monitored water-bearing zone. Historical groundwater elevations shall be included in the fourth quarterly report each year.
 - c. **Groundwater Analyses:** Groundwater sampling data shall be presented in tabular form, and an isoconcentration map should be prepared for one or more key contaminants for each monitored water-bearing zone, as appropriate. The report shall indicate the analytical method used and detection limits obtained for each reported constituent. Historical groundwater sampling results shall be included in the fourth quarterly report each year. The report shall describe any significant increases in contaminant concentrations since the last report, and any measures proposed to address the increases. Supporting data, such as lab data sheets, need not be included (however, see record keeping - below).
 - d. **Groundwater Extraction:** If applicable, the report shall include groundwater extraction results in tabular form, for each extraction well and for the site as a whole, expressed in gallons per minute and total groundwater volume for the quarter. The report shall also include contaminant removal results, from groundwater extraction wells and from other remediation systems (e.g. soil vapor extraction), expressed in units of chemical mass per day and mass for the quarter. Historical mass removal results shall be included in the fourth quarterly report each year.

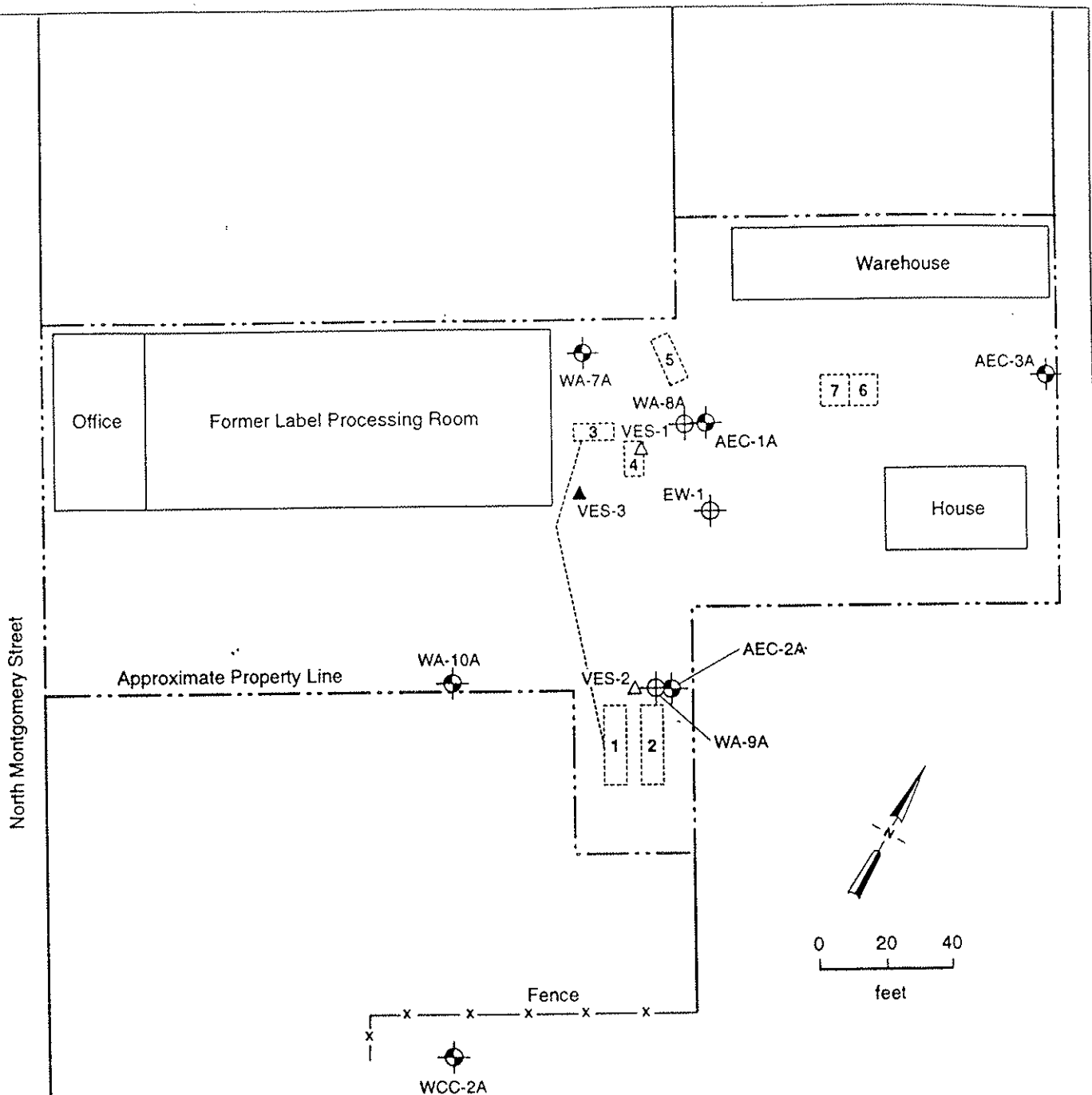
May 24, 1995

- e. **Status Report:** The quarterly report shall describe relevant work completed during the reporting period (e.g. site investigation, interim remedial measures) and work planned for the following quarter.
- 5. **Violation Reports:** If the dischargers violate requirements in the Site Cleanup Requirements, then the dischargers shall notify the Board office by telephone as soon as practicable once the dischargers have knowledge of the violation. Board staff may, depending on violation severity, require the dischargers to submit a separate technical report on the violation within five working days of telephone notification.
- 6. **Other Reports:** The dischargers shall notify the Board in writing prior to any site activities, such as construction or underground tank removal, which have the potential to cause further migration of contaminants or which would provide new opportunities for site investigation.
- 7. **Record Keeping:** The dischargers or their agents shall retain data generated for the above reports, including lab results and QA/QC data, for a minimum of six years after origination and shall make them available to the Board upon request.
- 8. **SMP Revisions:** Revisions to the Self-Monitoring Program may be ordered by the Executive Officer, either on his/her own initiative or at the request of the dischargers. Prior to making SMP revisions, the Executive Officer will consider the burden, including costs, of associated self-monitoring reports relative to the benefits to be obtained from these reports.


I, Steven R. Ritchie, Executive officer, hereby certify that this Self-Monitoring Program was adopted by the Board on May 24, 1995.





Steven R. Ritchie
Executive Officer




LEGEND

WA-10A  Groundwater Monitoring Well

WA-8A  Groundwater extraction well

VES-3  Proposed Soil Vapor Extraction Well

VES-1  Soil Vapor Extraction Well

1. Former 6000 gallon solvent tanks
2. Former 6000 gallon solvent tanks
3. Former 750 gallon gasoline tank
4. Former 500 gallon gasoline tank
5. Former 2000 gallon solvent tank
6. Former 350 gallon waste oil tank
7. Former hydraulic hoist

Project No.
8910322A

A.C. Label/Berryman Products

SITE LAYOUT

Figure
1

Woodward-Clyde Consultants